

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

No. M 02-1486 PJH

This Document Relates to:

**ORDER RE STIPULATION
AND PROPOSED ORDER RE
DISCOVERY**

All Indirect Purchaser Actions

On November 14, 2006, the parties filed a stipulation and proposed order regarding the discovery schedule in effect in the indirect purchaser actions. The proposed order seeks to extend the discovery cut-off date from October 31, 2006 to November 30, 2006, for all "discovery noticed prior to October 3, 2006." The proposed order also provides that the parties may take additional depositions prior to November 30, 2006, and that the parties will have until January 31, 2007, and March 2, 2007, to respond to certain propounded discovery. The parties seek the assigned Magistrate Judge's approval for the stipulation and proposed order.

Preliminarily, the court reminds the parties that any proposed order that seeks to alter case management or pretrial deadlines established by the court must be submitted to the trial judge for signature. Furthermore, the court's August 29, 2006 case management order specifically stated that the October 31, 2006 discovery cut-off date would remain in place, given the parties' failure to demonstrate good cause for an extension. The court approved only a slight modification in the pretrial schedule, so that defendants' motions for judgment on the pleadings may be heard and decided prior to the filing of plaintiffs' motion for class certification.

1 The court is not inclined to grant the parties' belated request for an order extending
2 the discovery cut-off date, and establishing discovery response deadlines that would
3 effectively extend the discovery period by more than 4 months. The court's disinclination is
4 even stronger, if the parties intend to rely on any discovery affected by the proposed order
5 in connection with the upcoming class certification motion, as this would effectively mean
6 that the class certification motion would not be filed prior to March 2007, at the earliest.
7 This is not what the court's prior case management order contemplated.

8 As such, the court DENIES the parties' proposed order requesting extension of the
9 discovery cut-off date, as currently written. To the extent that the parties feel that alteration
10 of the pretrial discovery deadline is necessary, the parties may present their arguments at
11 the hearing on defendants' motions for judgment on the pleadings, set for December 6,
12 2006, and the court will address the issue then.

13
14 **IT IS SO ORDERED.**

15 Dated: November 15, 2006



PHYLLIS J. HAMILTON
United States District Judge